

Nygaard Notes

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We the People

The founding documents of the United States are truly inspiring, especially the Declaration of Independence, speaking as it does of “inalienable rights” to life, liberty, and the pursuit of happiness, which were to be preserved by a government that “derives its just powers from the consent of the governed.”

The vision of a truly multiracial democracy—in which power is distributed fairly among us all—is very different from the vision that, for centuries, has been the foundation upon which has been built the stratified, fantastically unequal society that shapes the lives of all of us today.

And there we have the core of the polarization that characterizes public life in the United States in the Age of Trump—indeed, in any age. It’s a disagreement about two things. One thing is the nature of the country we have and the country we want to have. The other disagreement has to do with the answer to this question: *Who gets to say* what kind of country we have and what kind of country we want to have?

Disagreements about who gets the power to shape our society are as old as the nation itself. For example, a recent post from the Museum of the American Revolution tells us that “On July 4, 1776, the American Continental Congress in Philadelphia adopted the Declaration of Independence, announcing that ‘all men are created equal.’ Two days earlier in nearby Burlington, New Jersey, the new state legislature adopted a written constitution that would open the door to a radical new vision of voting in America, one that would include women and people of color among the voters.”

The same source points out that, although “slavery was legal throughout the British American colonies” in the early 1770s, “change was coming. Resistance by enslaved people pushed some white Americans to change their attitudes about slavery. In 1775 the first anti-slavery society in America formed in Philadelphia.

In 1780 Pennsylvania passed the first gradual abolition act in the United States.”

Despite the evidence that some people wanted to extend inalienable human rights to all humans, in practice the United States was set up to benefit white men of property. And we can see this when we look at the early days of the democracy called the United States.

In her “Right to Vote Blog” on the Fair Vote website, Jo McKeegan reminds us to “Consider the realities of the election of 1789, the first election of the new Congress. The overall number of people who were allowed to, and actually voted, was minuscule in state after state. For example, Delaware had a total state population of just over 59,000, but only 2,059 ballots were cast, meaning just 3% of the population. Georgia’s turnout was around 5%, New York about 3% and Rhode Island has what seems to have been lowest turnout of all at an abysmal 0.7%.”

The right to vote was determined at the state level, but it’s safe to say that voting at the beginning of the republic was mainly restricted to property-owning white men, a practice justified by a patriarchal, white supremacist ideology that served to dehumanize women, and men who were not “white,” and indigenous people.

In a speech before the Scottish Anti-Slavery Society in Glasgow, Scotland on March 26, 1860, Frederick Douglass made the point in his typically eloquent way. His 1860 speech was entitled “The Constitution of the United States: Is It Pro-Slavery or Anti-slavery?”

Douglass invited his audience to “look at the objects for which the Constitution was framed and adopted...” and then proceeded to outline “its own objects as set forth by itself: ‘We, the people of these United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense,

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Greetings,

The recently-concluded New Reconstruction Series was stimulated by reports that large numbers of US Americans think the US is headed toward a new Civil War. I don't think we are, or at least it's not what I'm thinking about right now. What I'm thinking about right now is what I think is happening right now. And that is the ever-increasing evidence of an increasingly profound challenge to white supremacy in this country, a challenge that is stimulating great fear—maybe the word is terror—in the hearts of many white people.

This is the kind of stuff that causes people to turn to violence and even sometimes terrorism. Terrified people, after all, sometimes do terrible things.

So, this issue of Nygaard Notes is concerned with a couple of important questions. Can the United States non-violently transition from a white supremacy culture to a genuine multiracial democracy? Can we build a society in which full membership is guaranteed to all, regardless of race, religion, or immigration status? Such questions lead to more questions: What make the United States the United States? And, Whose country is it?

This issue of the Notes introduces a concept called Sons of the Soil. Sons of the Soil think the United States is *their* country. Maybe it has been. Maybe it is. But maybe—just maybe—that is finally changing.

Happy New Year!

Nygaard

We the People *from page 1*

promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.”

These are all good things, said Douglass, “But it has been said that Negroes are not included within the benefits sought under this declaration. This is said by the slaveholders in America — it is said by the City Hall orator — but it is not said by the Constitution itself. Its language is ‘we the people;’ not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people; not we the horses, sheep, and swine, and wheel-barrow, but we the people, we the human inhabitants; and, if Negroes are people, they are included in the benefits for which

the Constitution of America was ordained and established.”

Women as property. Black people as property. Native people as savages to be exterminated. Is this the kind of country that the United States was meant to be? From the beginning, the people doing the deciding would be elected by a “minuscule” number of people, who thought, and still think, of themselves as We the People. And, also from the beginning, there were those who, despite being designated as a subhuman Other, would insist on being included in the benefits for which the Constitution of America was ordained and established.

But whose country is it? *Who gets to say* what kind of country we have and what kind of country we want to have? We're still fighting about that today, as the next essay illustrates. ♦

Who Is “Us” and Who Is Not

On a tour of eight, 30-foot high border wall prototypes and mock-ups on the California border in 2018, then-President Donald Trump warned those present that “If you don't have a wall system, we're not going to have a country.”

Who is this “we” that he's talking about?



→→ Writing in the Dayton, Ohio Daily news a few weeks ago, Ohio Rep. Bill Seitz cried out, “If you don’t have borders, you don’t have a country. If non-citizens could vote just the same as citizens, you won’t have a country for long.” (Non-citizens are prohibited from voting in elections in Ohio, in case you were wondering.) *When he says “you” don’t have a country, to whom is he speaking?*

Michael Flynn, retired lieutenant general and former national security adviser, travels the country claiming that we are in the midst of a “spiritual war,” saying that some of his fellow Americans are “evil.” Highlighting the idea of “Them” and “Us,” Flynn says that “They dress like us and they talk like us, but they don’t think and act like us. And they definitely do not want what it is that we want.” *Do we all know who he means by “they” and “we”?*

In February, Flynn announced a public initiative called “Operation Eagles Wings,” the goal of which, according to PBS, “is to mobilize and train poll watchers and precinct captains, and to drive get-out-the-vote efforts.” PBS interviewed Karen Ballash, 69, vice chair of the Summit County Republican Party in Utah, who heard Flynn speak in Salt Lake City that day. She told PBS that “I totally believe in his message. We have to be the ones who make the change,” she said. “If we don’t do it, we won’t have a country.” *If one were to ask her who she means by “we,” what might Ms. Ballash say?*

In an opinion piece in the October 20th New York Times, writer Carlos Lozada reminded readers of one of Trump’s most famous declarations from his Jan. 6, 2021 speech, delivered to his supporters outside the White House: “If you don’t fight like hell, you’re not going to have a country anymore.” He added that Trump had uttered “the same line in a rally last month: If the Democrats prevail in the midterm elections, ‘you won’t have a country left.’”

He is asking us to believe that “Democrats” are “they” and everyone else is included in the universal “you”. This puts me in mind of the Presidential election of 1860, when “associating Lincoln with African-Americans was a favorite theme of Southerners and satirists alike. The party’s (admittedly mixed) support among abolitionists, and its official stance opposing the spread of slavery into the territories, prompted the widespread use of the pejorative sobriquet ‘Black Republicans.’” (I’m quoting here from the website of the University of Virginia.) “Black Republicans” in 1860. “Black Democrats” in 2022?

In all of the examples above, there is an assumption about who is “us” and who is the sub-human “other” to be feared, expelled, enslaved, exterminated.

The abolitionist movement of the 19th Century was based on recognizing—in deed as well as in words—that black people are human beings. The civil rights movement of the 20th Century was based on the same thing. Recall Martin Luther King leading marches in Memphis in 1968 in support of striking black sanitation workers in that city. During the marches many workers wore signs that read simply “I Am A Man.”

Now, in the 21st Century, the vision of a society in which human rights are guaranteed to all humans is still alive, with marchers of all ages, colors and creeds taking to the streets to insist that Black Lives Matter. To insist that a multiracial democracy is possible.

Recall the words of scholar and activist John A. Powell, who reminds us that “When societies experience big and rapid change, a frequent response is for people to narrowly define who qualifies as a full member of society.” We are currently in a moment of truly big and truly rapid change, and white people are terrified by the possibility of a truly democratic future. A future in which decisions about the distribution of the benefits, rights, roles and responsibilities of full membership in this country are made based on one’s humanity and not on one’s race. A future, that is, in which white people won’t have a country (to themselves) anymore.

How different such a country might be can be heard in the amazingly-timely words of a freedman named Bailey Wyatt, to whom we now turn. ◆

“A Divine Right to the Land”

In a 2008 lecture in his Yale course on the Civil War and Reconstruction Era, the renowned historian David Blight referenced a remarkable comment by a newly-emancipated man named Bailey Wyatt. Here’s a selection from Blight’s lecture:

“Listen to this passage by a freedman in the South named Bailey Wyatt. He got up and made a speech at a freedmen's political meeting. This was actually an early Union League meeting, in 1866. It was about political organizing in the South. But know what Bailey gets up and says, as it was recorded.

“It was a meeting in Yorktown, Virginia. Bailey Wyatt, former slave, he's sort of announcing the freed people's grievances at a political gathering. He says: ‘We now as a people desires to be elevated, and we desires to do all we can to be educated, and we hope our friends will aid us all they can. I may state to all our friends and to all our enemies that we has a right to the land where we are located. Why? I'll tell you. Our wives, our children, our husbands, has been sold over and over again to purchase the lands we now locates upon. For that reason we have a divine right to the land. And then didn't we clear the lands and raise the crops of corn and of cotton and of tobacco and of rice and of sugar and of everything? And then didn't them large cities in the North grow up on the cotton and the sugars and the rice that we made? Yes, I appeal to the South and to the North, if I hasn't spoken the words of the truth. I say they have grown rich, and my people are poor.’”

Blight notes that Wyatt “hadn't had a political philosophy course, but he absolutely understood. He called it the divine right—the labor theory of value. If I labor to improve that land, it's mine. In that, in the simplicity, in the agony and the beauty of Bailey Wyatt's statement, you have a lot of what was at stake in Reconstruction, and you have a lot about what the political dilemma was, in delivering on Bailey Wyatt's claim to a divine right to the land.”

[I'll have to ask you to leave aside for the moment that this “labor theory of value” or theory of property, was one of the key pillars in the ideology employed to justify the massive theft of land by European settlers that dispossessed the original indigenous inhabitants of North America and ultimately granted (via massive violence) ownership of the land to the settler-colonial government to which Bailey Wyatt was appealing. In order to fully understand this, one would have to go back to the Christian Doctrine of Discovery, as well as some papal decrees dating back to the 1100s, and to enlightenment philosophers like, specifically, John Locke and his Second Treatise on Government. All of which I have discussed previously in these pages. See NN #470 from 2011, “Social Wealth Sidebar: John Locke on Property,” <https://www.nygaardnotes.org/archive/issues/nn0470.html> and NN #611 from 2017, “Origins of the Doctrine of Discovery,” and :”The Doctrine of Discovery in the United States.” <https://www.nygaardnotes.org/issues/the-doctrine-of-discovery/> But I digress...]

Bailey Wyatt understood that there was “a divine right to the land,” but he no doubt also understood that the decision about who gets to exercise that right was not in his hands. In the wake of emancipation, he was very clear on what “We now as a people desires.” But other people—white, Anglo-Saxon, Protestant men—thought of themselves as THE People, as WE the People, and were not about to allow people like Bailey Wyatt to become one of US. If they did, after all, they believed that they would not have a country anymore.

Those people are called Sons of the Soil. I explain the meaning of this odd phrase in the next essay. ◆

The Sons of the Soil Concept

I mentioned the people that political scientists call “Sons of the Soil” way back in September, in NN #691, when I quoted Barbara F. Walter, author of a book called *How Civil Wars Start – and How to Stop Them*, who told an interviewer that “Most people think that civil wars are started by the poorest groups in society, the most discriminated groups, the immigrants, the people who are abused. That’s generally not the case. Civil wars are often started by groups that political scientists call ‘Sons of the Soil.’ These are groups who have historically been dominant politically and economically, but have either lost power or believe they will lose power. These are the groups that feel they’re the rightful heirs to a country.” It’s worth understanding this term—Sons of the Soil—a little better.

The term “Sons of the Soil” originated in India, where it was employed to help explain conflicts between established residents of certain areas and incoming immigrants—or domestic migrants—who were identified in part by the different languages they spoke. In 2019, a civil service teaching group called IAS Score, based in New Delhi, published a brief explanation of what the term means in this context. Entitled simply “Sons of Soil Concept,” they start out by saying that “The concept of Sons of the Soil (SoS) is deeply embedded in the human psyche. Sons of the Soil is an elemental concept tying people to their place of birth and confers some benefits, rights, roles and responsibilities on them, which may not apply to others.”

“The Sons of Soil Doctrine underlines the view that a state specifically belongs to the main linguistic group inhabiting it or that the state constitutes the exclusive ‘homeland’ of its main language speakers who are the ‘sons of the soil’ or the ‘local residents’. All others who live there or are settled there and whose mother tongue is not the state’s main language are declared ‘outsiders’. These outsiders might have lived in the state for a long time, or have migrated there more recently, but they are not regarded as the ‘sons of the soil’.

(A “mother tongue” is the language which a person has grown up speaking from early childhood. India houses, according to one estimate, 1,652 “mother-tongues” – including 103 foreign mother tongues.)

“Sons of the Soil is a difficult concept to grasp, even

though this has been explicitly seen in many countries. The problem with this concept of SoS is that it is beset between two forces, the concept of equality versus the concept of fairness. Quite a lot of insurgencies, terrorist campaigns, riots, internal disturbances, tensions and wars have been driven by this issue.”

Indeed. A 2011 paper in the journal *World Development* points out that “In nearly a third of ethnic civil wars since 1945, the conflict develops between members of a regional ethnic group that considers itself to be the indigenous ‘sons of the soil’ and recent migrants from other parts of the country.”

Back to IAS Score: “A Sons-of-the-soil (SoS) conflict has the following core features: First, it involves conflict between members of a minority ethnic group concentrated in some region of a country, and relatively recent, ethnically distinct migrants to this region from other parts of the same country. Second, the members of the minority group think of their group as indigenous, and as rightfully possessing the area as their group’s ancestral (or at least very long-standing) home. By ‘conflict’ we mean competition and dispute over scarce resources such as land, jobs, educational quotas, government services, or natural resources.”

Although the Sons of the Soil concept originated in India, the basic dynamic appears to help explain civil wars and conflicts in other parts of the world as well. In a 2017 paper called “Sons of the Soil Conflict in Africa: Institutional Determinants of Ethnic Conflict over Land (catchy title, eh?), author Catherine Boone asks, “Can the political science literature on sons-of-the-soil (SoS) conflict and civil war explain patterns of ethnic conflict over land in sub-Saharan Africa?” She appears to think so when she informs us that “Sons-of-the-soil terminology, developed with reference to conflicts in South Asia, has been used to describe some of Africa’s most violent or enduring conflicts, including those in eastern DRC, northern Uganda, the Casamance Region of Senegal, and southwestern Côte d’Ivoire.”

But, wait a minute! This Nygaard Notes series is supposed to be about Reconstruction. Why in the world (you may wonder) am I talking about language-based conflicts in South Asia and Africa? Well, it’s not as far-fetched as it might seem.

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Sons *from page 5*

In the next Nygaard Notes I'm going to suggest that, if we modify this concept and identify the underlying principles that give the Sons of the Soil Concept its explanatory power, it can help us to better understand the escalating conflicts that we call "Polarization" here in the United States. ♦

“Quote” of the Week: “Moments of Progress, Moments of Backlash”

On December 23rd, Democracy Now! had a segment on the previous day's release of the report of the U.S. House of Representative Select Committee to Investigate the January 6th Attack on the United States Capitol. In that context, host Amy Goodman asked a question of guest Hakeem Jefferson, an assistant professor at Stanford University, faculty affiliate with the Center for Comparative Study in Race and Ethnicity and the Center for Democracy, Development and the Rule of Law. Noting that "you are a professor," host Amy Goodman asked him "How do you want this historical moment to be remembered and to be taught..." Here is his answer:

I think that as I reflect on this moment, and what I've told my students, and as I've written elsewhere, is that we would be missing something really important if what we left this moment with was just the sense that this really spectacular event happened on January the 6th, that it was something unique that happened that day. Instead, I think what we should take from this moment is . . . that moments of progress in this country are often met with moments of backlash, that backlash — white backlash, in particular — is a racial reckoning, too.

And so, I think what I want people to leave this moment thinking about is: What are those other instances of racial backlash that we have experienced in this country or are experiencing in this country? Republican attacks on the right to vote, a racial backlash. The kind of racial violence that we've seen in corners across the country, that's a racial backlash, too. The sort of daily workings against democracy, particularly those advanced by the Republican Party, we should see those in the same vein that we see the spectacular attack on January the 6th. This is a racial backlash. This is about a racial ordering and a racial hierarchy. It is about power. It is about the maintenance of group status. It is about the defense of whiteness. And that has a long through-line in American history, that comes in spectacular form on January the 6th, but manifests in more mundane and quotidian ways every day in American life. And I think that's the lesson of this moment that shouldn't be lost on any of us.

Amy noted at the top of the interview that the word "racism" appears only once in the 845-page report.

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